

Senate File 439 - Introduced

SENATE FILE 439
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 298)

A BILL FOR

1 An Act relating to the burden of proof in certain judicial
2 proceedings involving school boards and rules adopted by the
3 department of education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 274.3, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Notwithstanding section 17A.19,
4 subsection 8, paragraph "a", in any proceeding initiated by the
5 board of directors of a school district for judicial review
6 of a rule adopted by the department of education pursuant
7 to chapter 17A or any proceeding for enforcement of such a
8 rule against the board of directors of a school district
9 initiated by the department, the burden of proof shall be
10 on the department to establish that the rule is explicitly
11 authorized by the laws of the general assembly or by federal
12 law. Notwithstanding section 17A.19, subsection 8, paragraph
13 "a", if the court determines that the rule is not explicitly
14 authorized by the laws of the general assembly or by federal
15 law, the burden of proof shall be on the department in regard
16 to any of the grounds specified in section 17A.19, subsection
17 10, that are alleged by the board in the proceeding.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides that in any proceeding initiated by a
22 school board for judicial review of a rule adopted by the
23 department of education or any proceeding for enforcement of
24 such a rule against a school board initiated by the department,
25 the burden of proof shall be on the department to establish
26 that the rule is explicitly authorized by the laws of the
27 general assembly or by federal law. If the court determines
28 that the rule is not explicitly authorized by the laws of the
29 general assembly or by federal law, the bill provides that the
30 burden of proof shall be on the department in regard to any
31 of the legal grounds authorized by the Iowa administrative
32 procedure Act that are alleged by the school board in the
33 proceeding. These provisions apply notwithstanding language
34 in the Iowa administrative procedure Act that specifies that
35 the burden of proof in such proceedings is on a party asserting

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1 invalidity of agency action.